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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,921	07/20/2005	Masanori Ogawa	2710/74696	9558
7590 Donald S. Dowden Cooper & Dunham 1185 Avenue of the Americas New York, NY 10036	03/30/2007		EXAMINER KRUER, KEVIN R	
			ART UNIT 1773	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/30/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/542,921	OGAWA ET AL.
	Examiner Kevin R. Kruer	Art Unit 1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 08 January 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,2,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4 and 5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The objections to the drawings as failing to comply with 37 CFR 1.84(p)(5) has been overcome by amendment.

### **Claim Rejections Overcome by Argument**

2. The rejection of claims 1 and 4 under 35 U.S.C. 102(b) as being anticipated by JP 10-053748 (herein referred to as Nitto) has been overcome by argument. The ethylene-propylene copolymer is not a rubber.
3. The rejection of claims 2 and 5 under 35 U.S.C. 103(a) as being unpatentable over JP 10-053748 (herein referred to as Nitto), as applied to claims 1 and 3 above, and further in view of JP 05154423A (herein referred to as Nagoya) has been overcome by argument.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO99/14281 (Hennen).

Hennen teaches a release liner (herein understood to read on the claimed masking member) comprising a thermoplastic elastomer core layer and release coating

comprising polypropylene applied to either side thereof (page 3, lines 13+). The TEO of the core comprises 15-85wt% polypropylene and 85-15wt% ethylene propylene rubber (page 5, lines 8+). The TEO may be further blended with 50-95wt% polypropylene (page 8, lines 12+). The amount of rubber is adjusted based upon the desired characteristic of the sheet (page 5, lines 10+). Thus, it would have been obvious to the skilled artisan to optimize the amount of rubber utilized in the core layer. The motivation for doing so would have been to control the rubber qualities of the final laminate.

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO99/14281 (Hennen), as applied to claims 1 and 4 above, and further in view of JP 05154423A (herein referred to as Nagoya).

Hennen is relied upon as above, but does not teach the base layer should comprise filler. However, Nagoya teaches filler may be added to a base layer of a 3 film in amounts of 20-500wt% in order to improve the mechanical and thermal properties of the film (0015). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add filler to the base layer taught in Hennen in amounts sufficient to obtain the desired thermal and mechanical properties

### ***Response to Arguments***

Applicant's arguments filed January 8, 2007 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kevin R. Kruer  
Patent Examiner-Art Unit 1773